

In the
Indiana Supreme Court



Ronald W. HARMEYER)	Supreme Court Cause No.
Petitioner,)	94S00-1107-BL-468
)	
v.)	
)	
STATE BOARD OF LAW EXAMINERS,)	
Respondent.)	

ORDER

On June 12, 1992, Ronald Harmeyer was admitted to practice law in Indiana after successfully passing the Indiana Bar Examination and being found otherwise eligible for admission. In 1996, Harmeyer was admitted to practice law in Wisconsin after successfully passing the Wisconsin bar examination. Believing he would never return to practice law in Indiana, in late 2008 Harmeyer submitted an "Affidavit of Permanent Withdrawal from the Practice of Law" to the Executive Secretary of the Indiana Supreme Court Disciplinary Commission pursuant to Indiana Admission and Discipline Rule 2(l) (West 2008). His affidavit stated in relevant part:

I understand that by permanently relinquishing my Indiana law license, I am not eligible for reinstatement of that license in the future except upon making a new application for admission to the bar of the State of Indiana and complying with the requirements for admission under Indiana Admission and Discipline Rule 3 through 21.

(Aff. of Perm. Withdrawal at ¶ 5.) Executive Secretary Lundberg confirmed Harmeyer's eligibility to withdraw, and Harmeyer's permanent withdrawal became effective December 4, 2008. (*See Matter of Harmeyer*, Cause No. 94S00-0812-MS-625 (Ind. Dec. 4, 2008).)

On July 11, 2011, Harmeyer communicated by phone and electronic mail with an employee of the Indiana Board of Law Examiners ("BLE") to inquire about the procedures he would need to undertake to be reinstated to practice law in Indiana. Harmeyer alleges he was told that because he had permanently withdrawn from the practice of law in Indiana, he would either have to retake the Indiana bar examination or seek admission under Indiana Admission and Discipline Rule 6 (which allows attorneys licensed in other states to secure, under certain circumstances, either a "provisional license," *see* Admis. Disc. R. 6, § 1, or a "business counsel license," *see* Admis. Disc. R. 6, § 2).

That same day, Harmeyer filed with this Court a submission entitled "Applicant's Request to Review Final Decision of Board of Law Examiners" (hereinafter "Petition"). The Petition argues that our Admission and Discipline Rules require a person to take and pass the Indiana bar examination only once, and since he has already done so, he should not have to do so again. Therefore, the Petition asks us to review and, effectively, reverse the BLE's "final determination" holding otherwise.

The Petition suffers from a fatal procedural flaw, however – it does not come to us following a “final determination” by the BLE. Admission and Discipline Rule 14, section 2, states in relevant part:


Any applicant aggrieved by the **final action** of the State Board of Law Examiners in refusing to recommend to the Supreme Court of Indiana the admission of the applicant to practice law in Indiana for any reason other than the failure to pass any examination as set forth in [Ind. Admission and Discipline Rule 14, section 1] may, within twenty (20) days of receipt of notification setting forth the reason for refusal, which notice shall be sent to the applicant by certified mail with return receipt requested, file a petition with the Supreme Court of Indiana requesting review by this Court of such **final determination**,

Ind. Admission & Discipline R. 14, § 2 (West 2011) (emphasis added). The phrases “final action” and “final determination” denote a much greater degree of formality than exists in Harmeyer’s situation. Harmeyer did not petition the BLE to waive the examination requirement, and, therefore, the BLE has not considered and ruled upon such a petition from Harmeyer. Rather, Harmeyer merely sought guidance from a BLE employee over the phone and through e-mail concerning what he would need to do to get readmitted. Because the Petition does not demonstrate that Harmeyer has been “aggrieved by the final action of the State Board of Law Examiners in refusing to recommend to the Supreme Court of Indiana . . . [his] admission . . . to practice law in Indiana,” we hereby DISMISS the Petition as procedurally premature.

We further observe that even if Harmeyer’s Petition had been submitted to us following a “final determination” of the BLE, we likely would have denied the Petition. Harmeyer’s “Affidavit of Permanent Withdrawal from the Practice of Law in Indiana,” as well as Admission and Discipline Rule 2(1) upon which the affidavit’s language was based, clearly and unambiguously informed Harmeyer that if he permanently relinquished his Indiana law license, then he would not be eligible for reinstatement except upon making a new application for admission and complying with the requirements for admission set forth in Admission and Discipline Rules 3 through 21. Those requirements include, but are not limited to, successfully passing the bar examination, *see* Admis. Disc. R. 17, if the attorney cannot secure a provisional license or a business counsel license under Admission and Discipline Rule 6.

The Clerk is directed to send a copy of this order to Ronald W. Harmeyer; to Bradley Skolnik, Executive Director of the Board of Law Examiners; to Michael Witte, Executive Secretary of the Indiana Disciplinary Commission; to all counsel of record; and to the Supreme Court Administration Office. The Clerk is also directed to post this order to the Court’s website.

Done at Indianapolis, Indiana, this 12th day of September, 2011.


Randall T. Shepard
Chief Justice of Indiana

All Justices concur.